

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAVIER GARCIA-HERNANDEZ,

Defendant.

4:10-CR-3126

ORDER

The defendant, through counsel, has filed a motion for compassionate release ([filing 201](#)). That motion was filed under seal—so, as a result, the government was not electronically served with a copy of the motion, and the defendant was required to use an alternate form of service to provide the government with notice of the motion. [NECrimR 12.5\(b\)](#).

The filing, which includes medical records, was properly sealed. [NECrimR 49.1.1\(f\)](#). But as far as the Court can tell, the defendant's motion does not include the certificate of service required by [Fed. R. Crim. P. 49\(b\)\(1\)](#) and [NECrimR 49.4](#)—meaning the Court has no way of knowing whether the government was served.<sup>1</sup> Accordingly,

1. The defendant's motion to file under seal ([filing 200](#)) is granted.
2. The defendant shall, on or before March 21, 2024, ensure effective notice to the government and file a certificate of service consistent with [NECrimR 49.4](#).
3. The government shall respond to the defendant's motion ([filing 201](#)) on or before April 22, 2024.

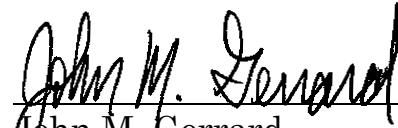
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<sup>1</sup> The defendant's counsel is encouraged, if service has not been effected, to simply email the prosecutor and ask how best to provide the documents. If emailing is okay with her, it's okay with the Court.

4. The defendant may reply in support of his motion ([filing 201](#)) on or before May 6, 2024.
5. The Clerk of the Court shall set a case management deadline for March 21, 2024 with the following docket text: Check for certificate of service.

Dated this 14th day of March, 2024.

BY THE COURT:

  
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John M. Gerrard  
Senior United States District Judge